

# LAWYER WELL-BEING

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What's it got to do with me?



# PROGRAM AGENDA

- What is well-being? Why is it important in the profession?
- The state of well-being in the profession
- The link between well-being and ethics
- Tips for increasing your well-being



WHAT IS WELL-BEING?

A circular graphic on the left side of the slide. It features a photograph of a stone path leading through a grassy field under a cloudy sky. Overlaid on this are several geometric shapes: a large blue triangle with diagonal lines, a green triangle, and a white triangle with diagonal lines. The text is positioned within the white triangle.

## **THE PATH TO LAWYER WELL-BEING:**


Practical Recommendations  
For Positive Change

[ THE REPORT OF THE  
NATIONAL TASK FORCE ON  
LAWYER WELL-BEING ]

# The Report



## Report's focus has 5 central themes

- (1) identifying stakeholders and the role each of us can play in reducing the level of toxicity in our profession,
  - (2) eliminating the stigma associated with help seeking behaviors,
  - (3) emphasizing that well-being is an indispensable part of a lawyer's duty of competence,
  - (4) educating lawyers, judges, and law students on lawyer well-being issues, and
  - (5) taking small, incremental steps to change how law is practiced and how lawyers are regulated to instill greater well-being in the profession.
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National Task Force on  
Lawyer Well-Being

LAWYER WELLBEING IS  
NOT DEFINED SOLELY BY  
THE ABSENCE OF ILLNESS



*A continuous  
process toward  
thriving across all  
life dimensions.*

WELL-BEING

# DEFINING LAWYER WELL-BEING

A CONTINUOUS PROCESS IN WHICH LAWYERS STRIVE FOR THRIVING IN EACH DIMENSION OF THEIR LIVES:



## EMOTIONAL

Value emotions. Develop ability to identify and manage our emotions to support mental health, achieve goals, & inform decisions. Seek help for mental health when needed.



## INTELLECTUAL

Engage in continuous learning. Pursue creative or intellectually challenging activities that foster ongoing development. Monitor cognitive wellness.



## OCCUPATIONAL

Cultivate personal satisfaction, growth, and enrichment in work. Strive to maintain financial stability.



## PHYSICAL

Strive for regular activity, good diet & nutrition, enough sleep, & recovery. Limit addictive substances. Seek help for physical health when needed.



## SPIRITUAL

Develop a sense of meaningfulness and purpose in all aspects of life.



## SOCIAL

Develop connections, a sense of belonging, and a reliable support network. Contribute to our groups and communities.



# Reasons to improve well-being

- It is good for business
- It is good for clients
- It is the right thing to do

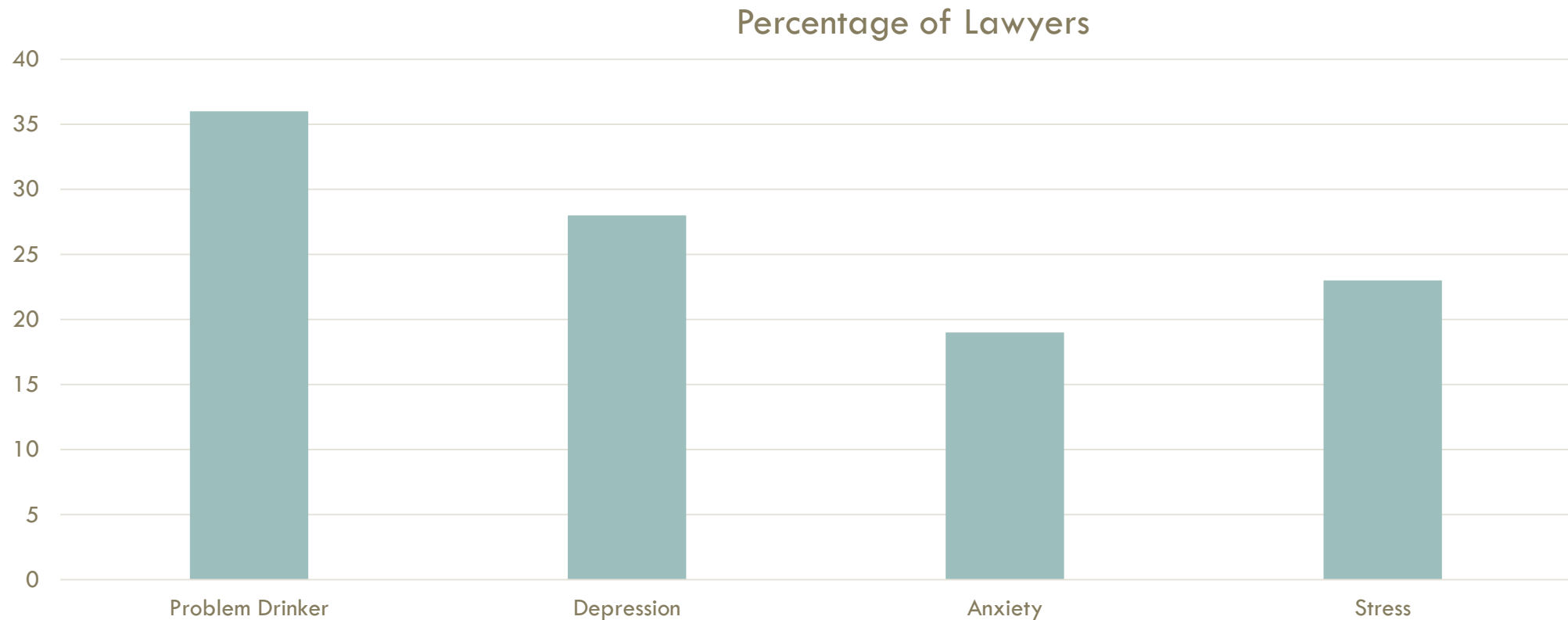


# UNDERSTANDING THE PROBLEM

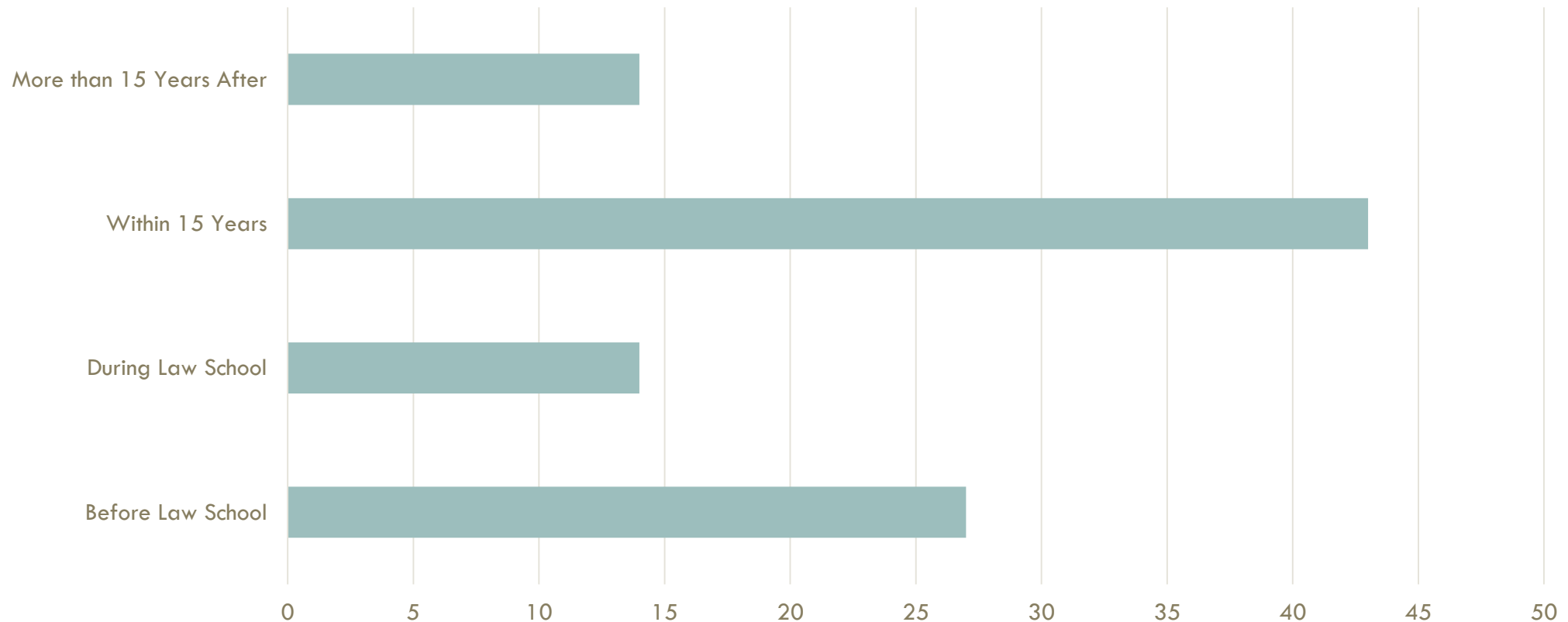
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Current Facts, Figures and Trends

# ABA COMMISSION ON LAWYER ASSISTANCE PROGRAMS & HAZELDEN BETTY FORD FOUNDATION



# ALCOHOL OR SUBSTANCES USE PROBLEMATIC



# SEEKING TREATMENT

Not wanting  
others to find out  
they needed  
help

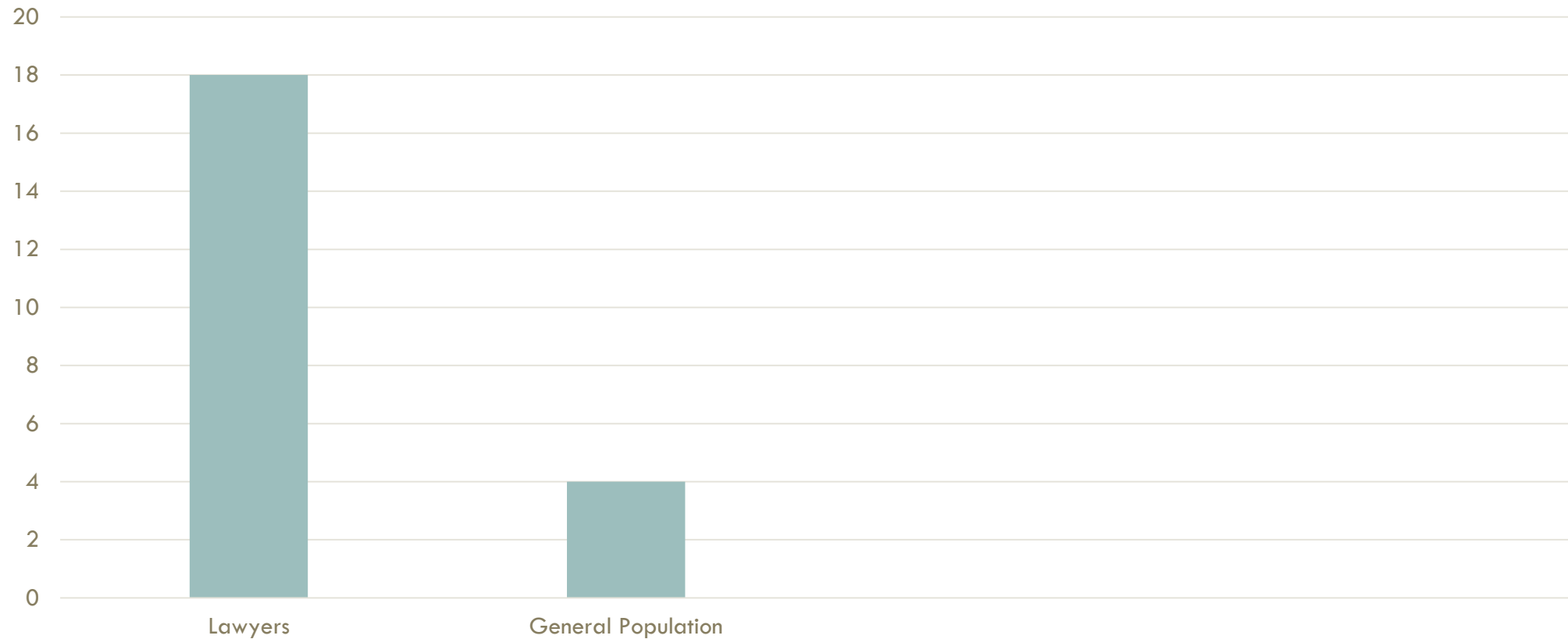
Concerns  
regarding  
privacy or  
confidentiality



# 2019 AMERICAN LAWYER MAGAZINE SURVEY

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# HAVE YOU CONTEMPLATED SUICIDE?

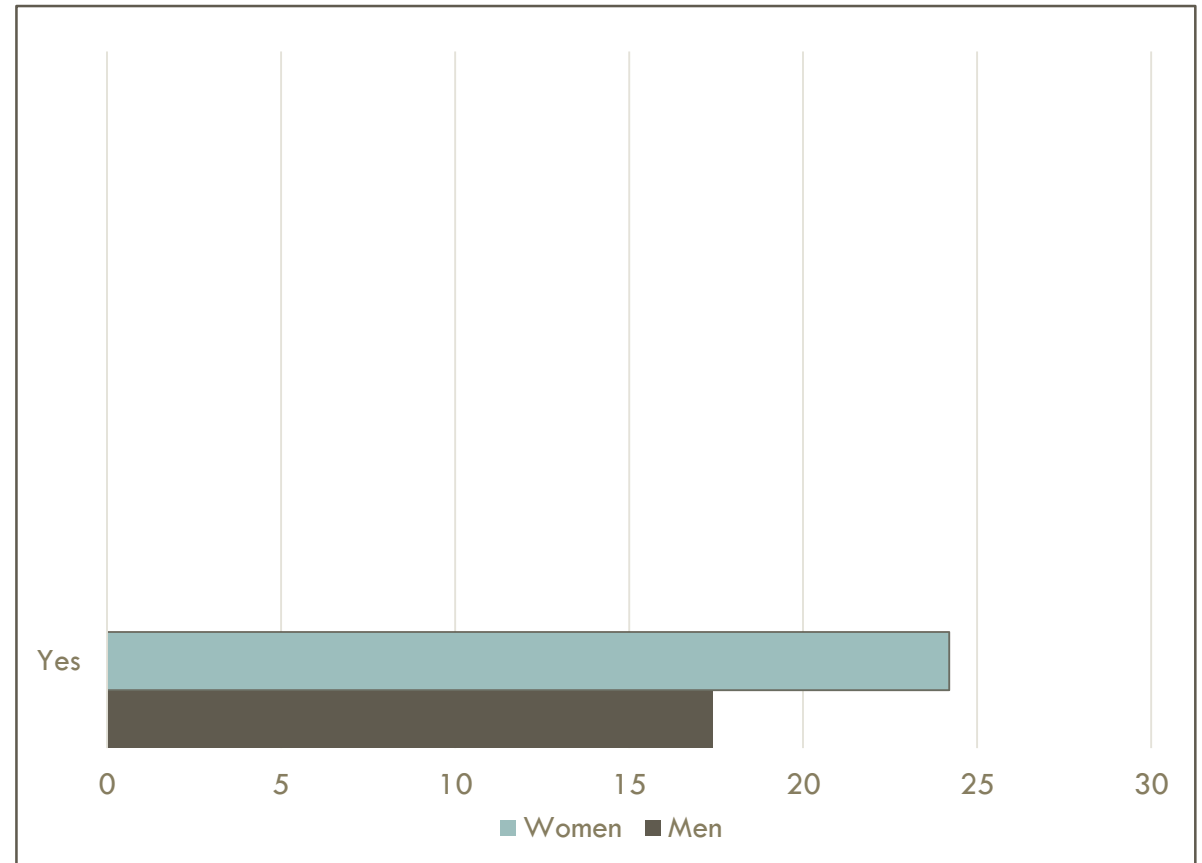


DO YOU THINK THE PROFESSION  
HAS HAD A NEGATIVE EFFECT ON  
YOUR MENTAL HEALTH OVERTIME?

74%

# “ARE YOU CONSIDERING, OR HAVE YOU LEFT THE LEGAL PROFESSION DUE TO MENTAL HEALTH PROBLEMS, BURNOUT, OR STRESS?”

- Work/Life Conflict
- Work Overcommitment



**WHAT MAKES US VULNERABLE?**



## STRESSFUL CHARACTERISTICS OF THE JOB

- Time pressures
- Work overload
- Competition
- The need to keep up with a wide range of legal topics
- Balancing a personal life with professional obligations
- Dealing with difficult people
- Justice system is highly adversarial
- Conflict and ambiguity about their role as a lawyer



The Lawyer Brain

# ETHICS OF WELL-BEING

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# IT'S AN ETHICAL ISSUE

- Rule 1.1 Competence: A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation
- Rule 1.3 Diligence: A lawyer shall act with reasonable diligence and promptness in representing a client

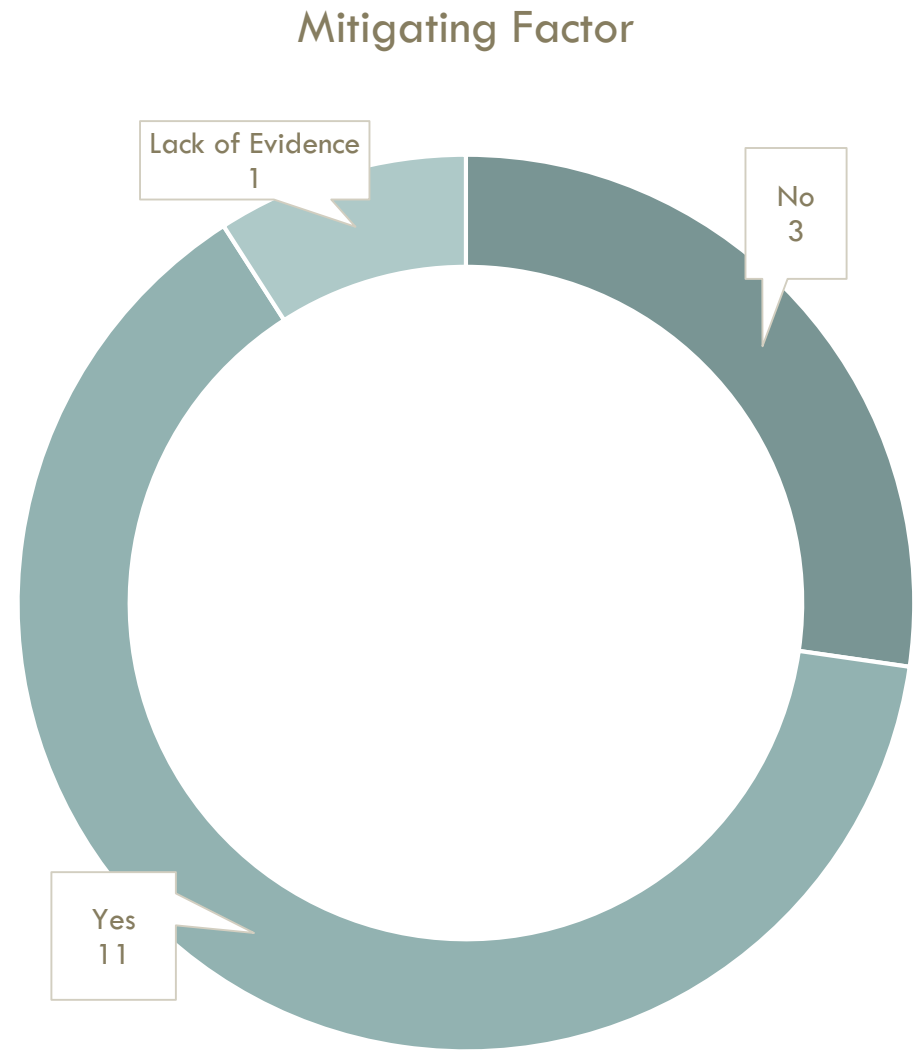
# IT'S AN ETHICAL ISSUE

- Rule 1.4 Communication: A lawyer shall...keep the client reasonably informed about the status of the matter; promptly comply with reasonable requests for information.
- Rule 1.16 Declining or Terminating Representation:...a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if...the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client.



# WELL-BEING AND DISCIPLINE IN KANSAS

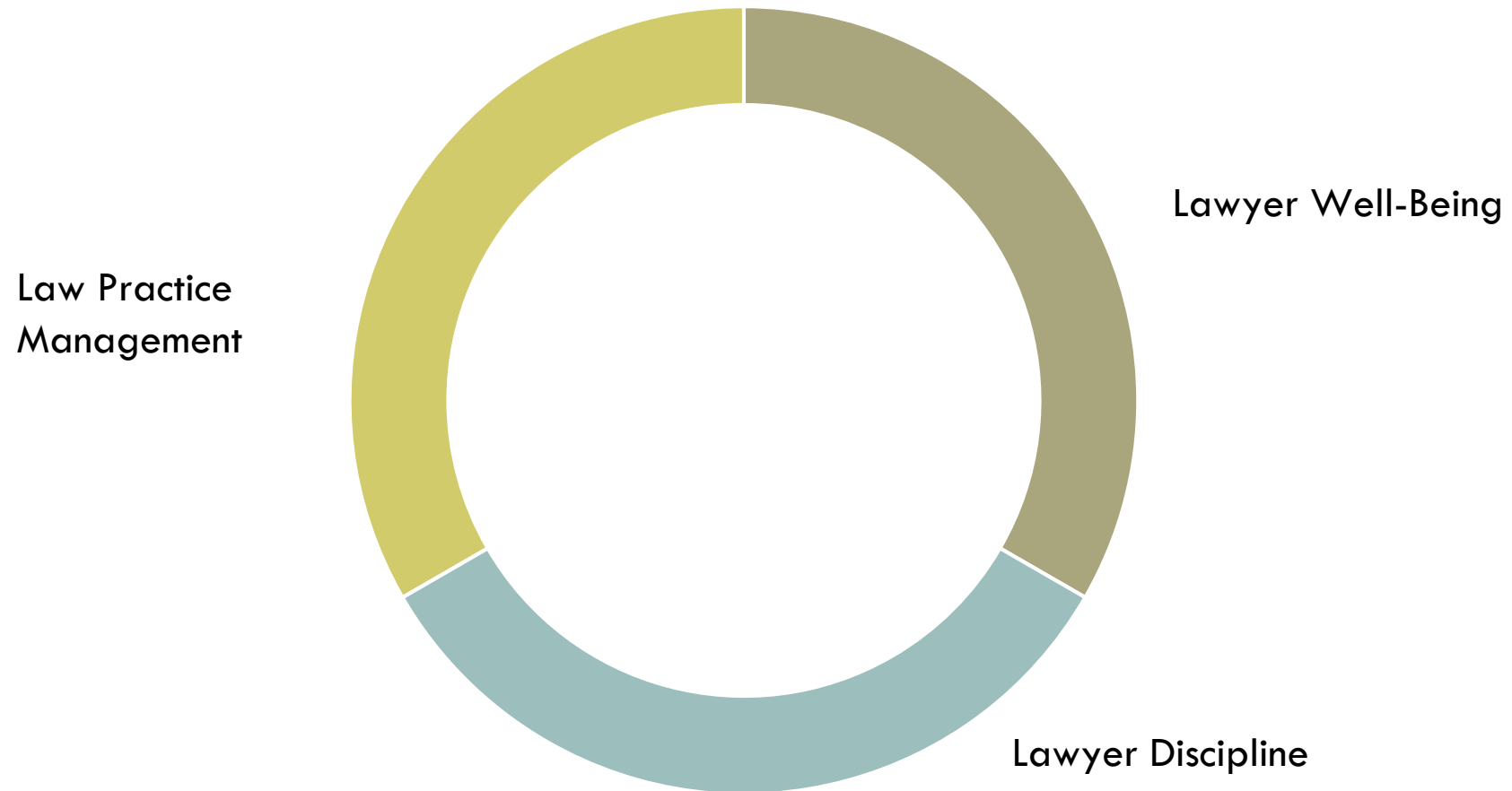
MARCH 2019 —  
APRIL 2020



To be a good  
lawyer...

ONE HAS TO BE A  
HEALTHY LAWYER

# THE CONNECTION



# BURNOUT, STRESS, AND WORK- LIFE BALANCE

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Burnout



# Stress vs. Burnout

## Stress

- Characterized by over engagement
- Emotions are reactive
- Produces urgency and hyperactivity
- Loss of energy
- Leads to anxiety disorders
- Primary damage is physical
- May kill you prematurely

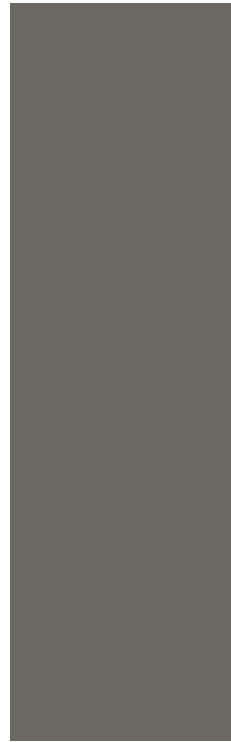
## Burnout

- Characterized by disengagement
- Emotions are blunted
- Produces helplessness and hopelessness
- Loss of motivation, ideals, and hope
- Leads to detachment and depression
- Primary damage is emotional
- May make life seem not worth living

# COMMON SYMPTOMS

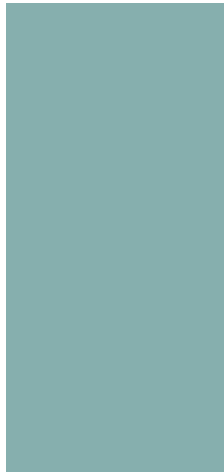
- Fatigue
- Cynicism
- Inefficiency
- Lack of Attention





# CLUES TO LOOK FOR

- Physical — Frequent headaches, getting sick more often than usual, exhaustion, stomach and digestive issues, restless, sleeplessness, heart palpitations, and chest pain
- Psychological — Panic attacks, increasing feelings of anger, frustration, and irritability; feeling hopeless, helpless, and pessimistic; loss of enjoyment for activities you once loved
- Behavioral — Drop in productivity, increased absenteeism, isolation (wanting to eat lunch alone or just be alone), becoming a poor team player, increased alcohol or drug use



A person with brown hair in a bun is sitting at a desk, resting their head on their hands in a gesture of exhaustion or stress. In front of them are two disposable coffee cups and a laptop. The background is a bright, out-of-focus window.

**I THINK I AM EXPERIENCING  
BURNOUT**

# THE TEST

- The first is to commit to treating yourself to a relaxing, stress-free weekend.
- Try to sleep in both days. Eat right. Occupy your time with relaxing activities that you rarely allow yourself to enjoy.
- If on Monday morning, you wake up tired and dreading your day, you are likely suffering from burnout.

# SEEK SUPPORT

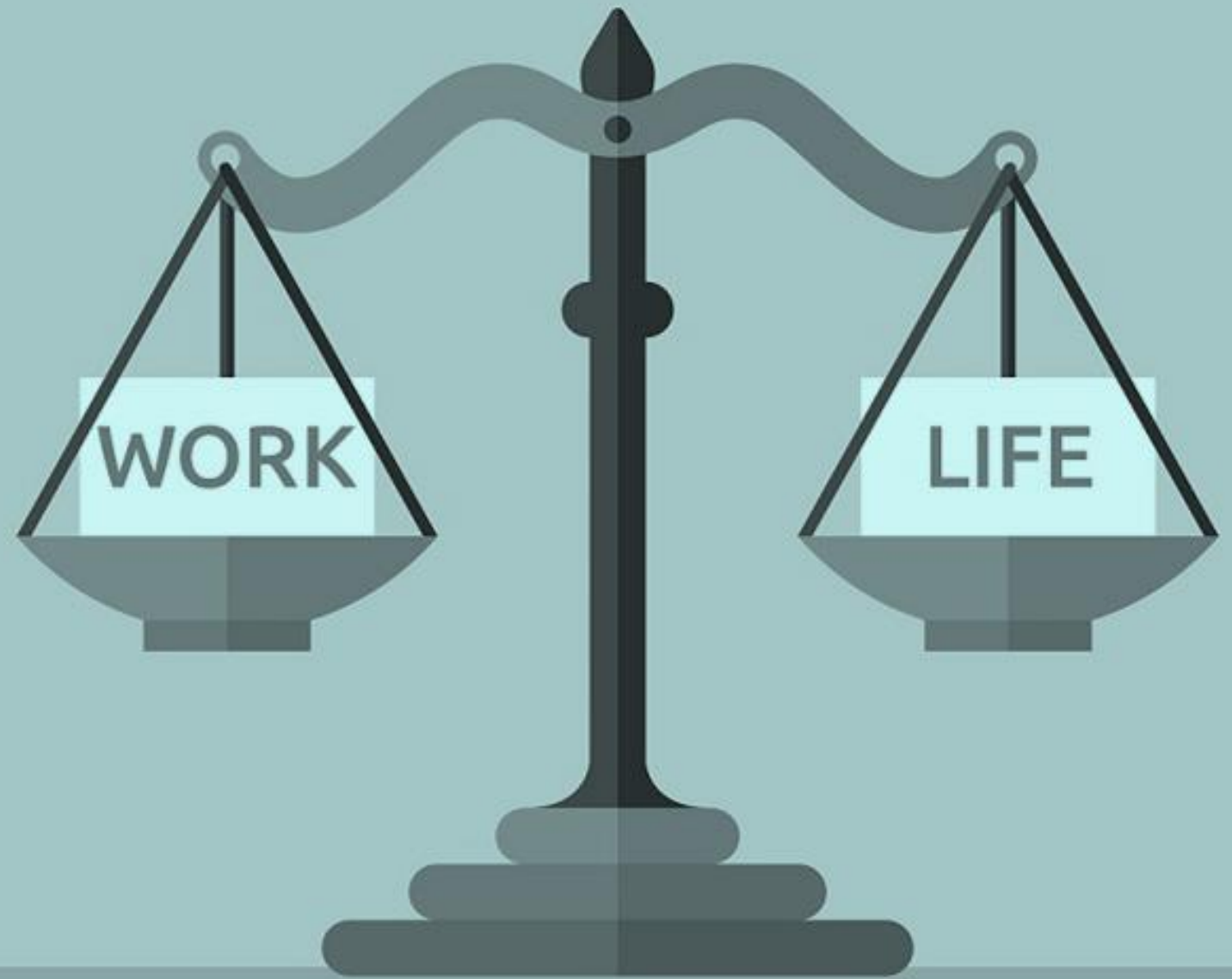
- Whether you reach out to co-workers, friends or loved ones, support and collaboration might help you cope.
- If you have access to an employee assistance program, take advantage of relevant services.
- Call Your LAP





# WORK/LIFE BALANCE

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## WORK-LIFE BALANCE

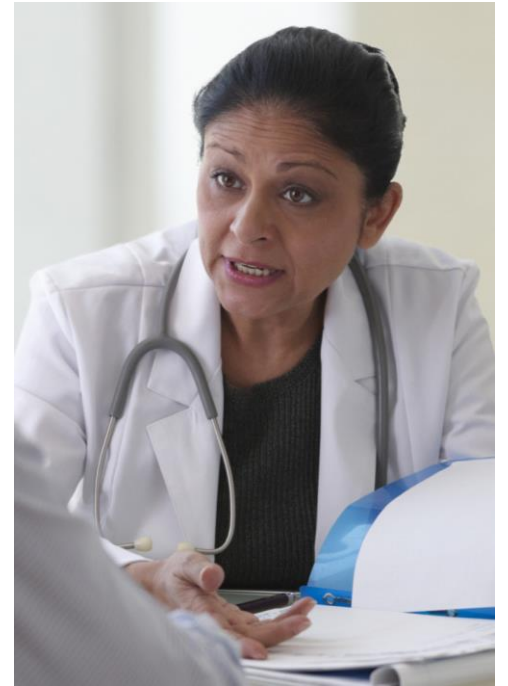
Work—life balance is a term commonly used to describe the balance that a working individual needs between time allocated for work and other aspects of life.

# NATIONAL REPORT ON LAWYER WELL- BEING

“We recommend that all stakeholders consider how longstanding structures of the legal system, organizational norms, and embedded expectations might be modified to enhance lawyers’ sense of control and support a healthier lifestyle.”

# CONSEQUENCES

- Fatigue
- Lost Time
- Increased Expectations
- Health Risks



# PROMOTING WELLNESS

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Tools and Techniques



# ESTABLISH BOUNDARIES

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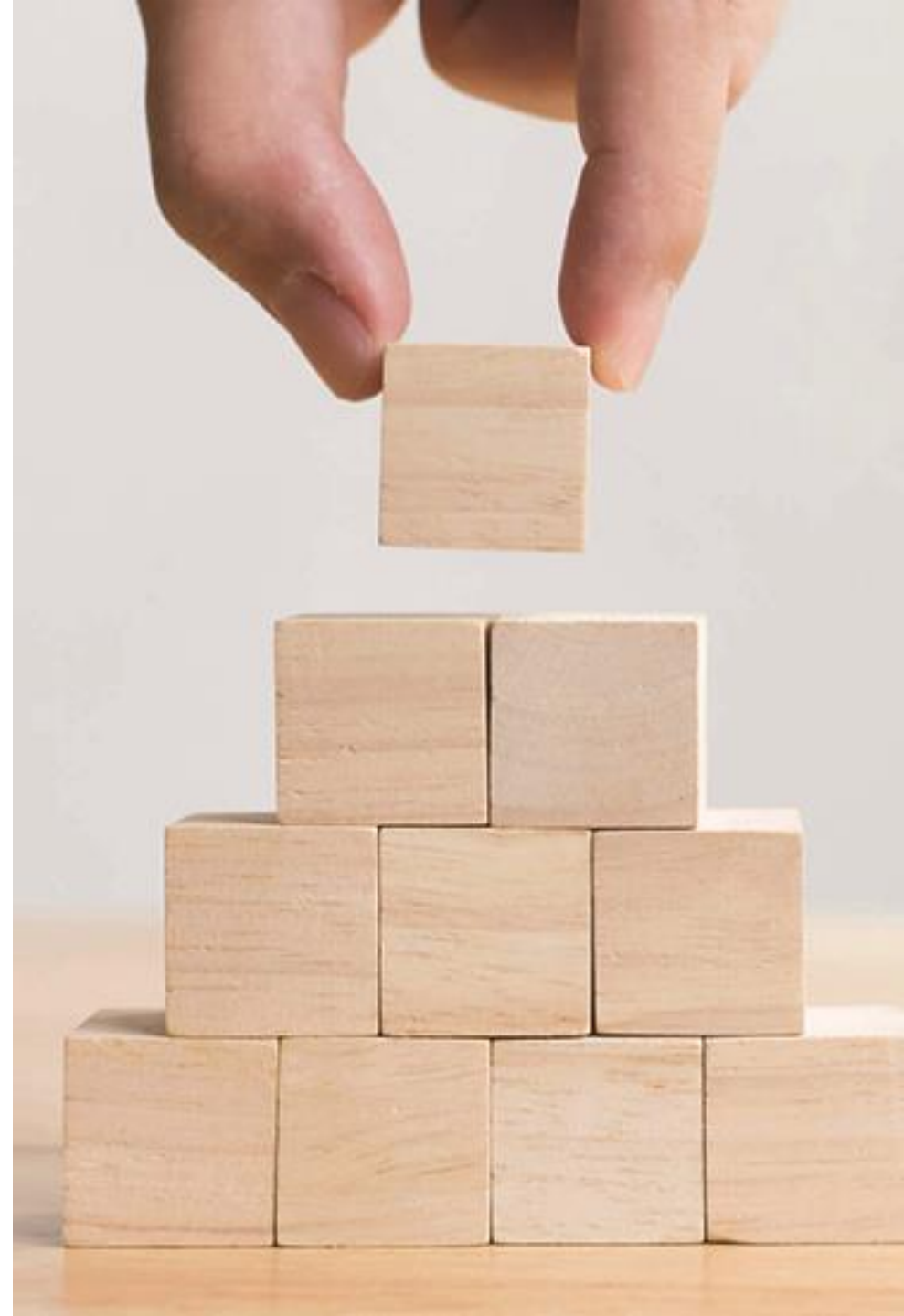
# BUILD YOUR RESILIENCE

“The ability to respond to stress in a healthy, adaptive way that allows you to achieve your personal goals at minimal psychological and physical cost.”

-(Brennan & McGrady, 2015)

# WAYS TO BUILD RESILIENCE

- Build Connections
- Foster Wellness
- Find Purpose
- Embrace Healthy Thoughts



# MAKE TIME FOR SELF-CARE





# 10 WAYS TO INCREASE YOUR WELL-BEING

- Make smart eating choices
- Exercise
- Prioritize your sleep
- Start a journal
- Practice positive self-talk
- Reach out to family and friends more
- Participate in or volunteer for causes that matter to you
- Learn something new
- Get organized
- Commit to taking a break
- Focus on what you can vs. what you can't control

# ASSISTING COLLEAGUES IN NEED

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# LAWYERS ASSISTANCE PROGRAM





LEGAL EMPLOYERS

# EMPLOYER RECOMMENDATIONS

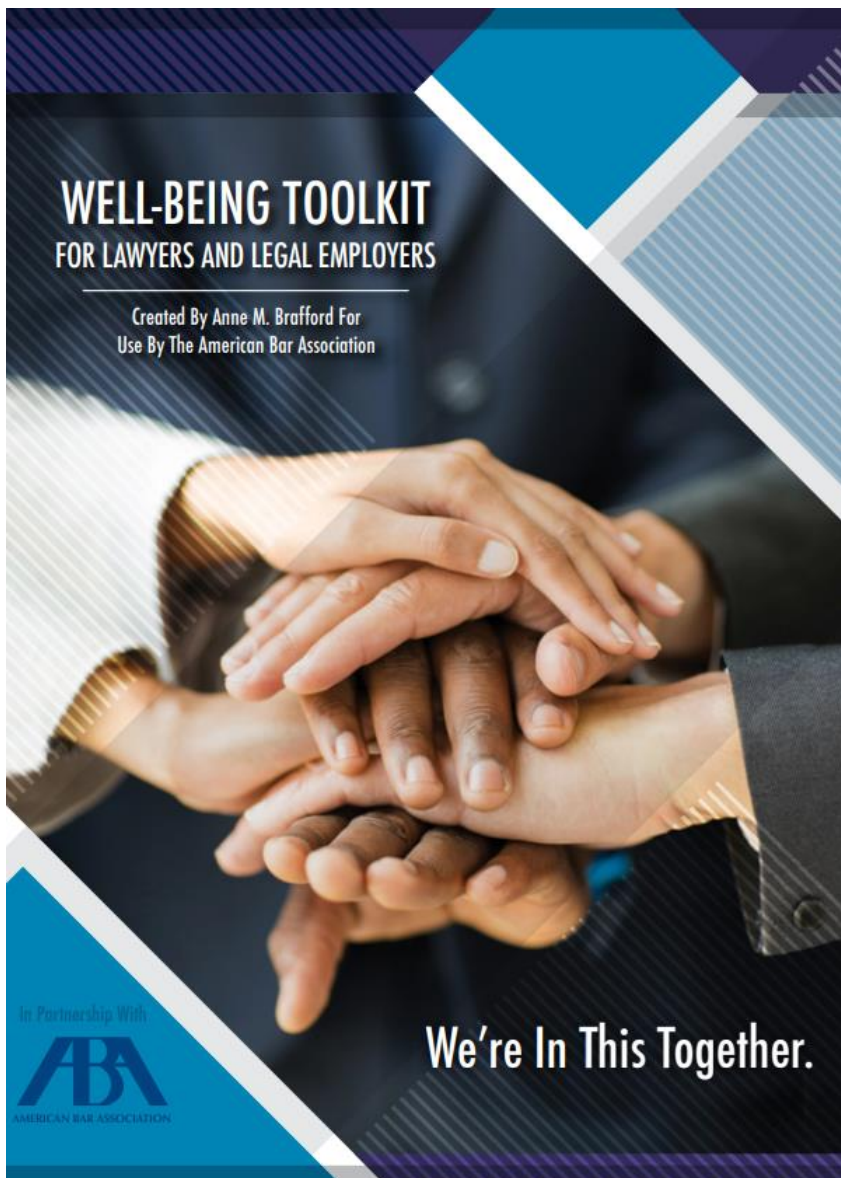
- Adopt policies for handling lawyer impairment
- Create a confidential reporting procedure for lawyer and staff concerned about a colleague's impairment
- Establish procedures that allow for lawyers to seek confidential help
- Work with lawyer assistance programs to secure services of impaired lawyers
- Establish organizational infrastructure to promote well-being
- Establish policies and practices to support lawyer well being
- Provide training and education on well-being, including during new lawyer orientation

# THE ABA WELL-BEING PLEDGE



[https://www.americanbar.org/groups/lawyer\\_assistance/well-being-in-the-legal-profession/](https://www.americanbar.org/groups/lawyer_assistance/well-being-in-the-legal-profession/)





# WELL-BEING TOOLKIT

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## ADDITIONAL RESOURCES

- [www.kalp.com](http://www.kalp.com)
- <https://kslawyerwellbeing.com/>
- [www.americanbar.org/groups/lawyer\\_assistance/](http://www.americanbar.org/groups/lawyer_assistance/)
- <https://lawyerwellbeing.net/>



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